

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 15 OCCUPATIONAL THERAPISTS
PART 4 CONTINUING EDUCATION REQUIREMENTS

16.15.4.1 ISSUING AGENCY: Board of Examiners for Occupational Therapy.
[16.15.4.1 NMAC - Rp, 16.15.4.1 NMAC, 1/30/2015]

16.15.4.2 SCOPE: All those individuals who wish to practice occupational therapy in the state of New Mexico.
[16.15.4.2 NMAC - Rp, 16.15.4.2 NMAC, 1/30/2015]

16.15.4.3 STATUTORY AUTHORITY: Section 61-12A-15 NMSA 1978.
[16.15.4.3 NMAC - Rp, 16.15.4.3 NMAC, 1/30/2015]

16.15.4.4 DURATION: Permanent.
[16.15.4.4 NMAC - Rp, 16.15.4.4 NMAC, 1/30/2015]

16.15.4.5 EFFECTIVE DATE: January 30, 2015, unless a later date is cited at the end of a section.
[16.15.4.5 NMAC - Rp, 16.15.4.5 NMAC, 1/30/2015]

16.15.4.6 OBJECTIVE: To inform licensees of continuing education requirements for license renewal.
[16.15.4.6 NMAC - Rp, 16.15.4.6 NMAC, 1/30/2015]

16.15.4.7 DEFINITIONS: “Continuing education” means any organized educational program relating to the topic of health, designed to expand a licensee’s knowledge beyond the basic education requirements for occupational therapists and occupational therapy assistants as recognized by the board. Topics include, but are not limited to, administration, education, communication and clinical practice skills. One “continuing education contact hour” is equivalent to 60 minutes. One continuing education contact hour is equivalent to one continuing education unit.
[16.15.4.7 NMAC - Rp, 16.15.4.7 NMAC, 1/30/2015]

16.15.4.8 ANNUAL CONTINUING EDUCATION REQUIREMENTS:

- A.** Every licensed occupational therapist and occupational therapy assistant must earn a minimum of 15 continuing education contact hours per year during each year of licensure October 1 through September 30. The Board will allow a maximum of 15 continuing education contact hours to be carried over into the next licensing cycle. ~~Continuing education contact hours must be earned prior to license renewal the following year.~~ The first year during which 15 contact hours must be earned is the year beginning on October 1st after initial licensure. ~~following license issuance and ending on the following September 30th.~~ Occupational therapists and occupational therapy assistants licensed during the first year will be expected to pay the annual renewal fee. New graduates who have not held another jurisdictional license will not be required to complete continuing education contact hours until the first renewal. Licensees who obtained licensure by endorsement from another state will be required to provide proof of continuing education contact hours. Proof of continuing education contact hours will be required for initial licensure by endorsement and for annual renewal. Evidence of satisfactory completion of continuing education hours may be requested by the board via audit
- B.** No license will be renewed in the absence of satisfactory evidence that the required continuing education contact hours have been earned.
- C.** The board office will send electronic notifications to all licensees prior to the expiration date of the license.
- D.** Each licensee is responsible for submitting the required renewal fee ~~and continuing education~~ by the expiration. Each licensee will attest on renewal to completing continuing education contact hours.
- E.** Each licensee is responsible for filing address changes and maintaining a current address with the board office.
- F.** By attesting on the applications, licensees are acknowledging awareness and understanding of the boards rules and regulations.

[16.15.4.8 NMAC - Rp, 16.15.4.8 NMAC, 1/30/2015; A, 2/24/2022]

16.15.4.9 APPROVAL OF CONTINUING EDUCATION:

A. The Board does not maintain a list of all available continuing education providers. It is the responsibility of each licensee to design and implement their own strategy for developing and demonstrating continuing competence reflecting current and/or anticipated roles and responsibilities that require specific knowledge, attitude, abilities, and skills. It is incumbent upon each licensee to examine their unique responsibilities, assess their continuing competence needs related to these responsibilities, and develop and implement a plan to meet those needs. ~~No licensee may obtain credit for any continuing education contact hours without approval of those continuing education contact hours by the board.~~

B. Activities must be professional development activities that ensure the health, safety, and welfare of the public and directly concern the maintenance or enhancement of knowledge and proficiencies relevant to occupational therapy practice or the pedagogy, education, ethics, or theory development of occupational therapy and may be related to a licensee's current or anticipated roles and responsibilities in occupational therapy. ~~Prior approval of continuing education contact hours may be obtained upon request by the licensee or continuing education provider. Final determination of values and approval of continuing education contact hours will remain at the discretion of the board.~~

C. Continuing education contact hours may be earned in the following ways:

(1) **Attendance at a seminar, workshop, webinar, on-line course, or program;** applicants must provide all of the following:

(a) program agenda with number of contact hours;

~~(b) evidence that the program attended was sponsored by a component of the American occupational therapy association or some other sponsor approved by the board for continuing education credit;~~

(b) ~~(e)~~ statement of the program's subject matter and stated objectives;

(c) ~~(d)~~ statement indicating the instructor's background/expertise; and

(d) ~~(e)~~ proof of actual program attendance; such proof shall be a certificate of completion signed by the presenter or program sponsor.

(2) **Preparation and presentation of a workshop/in-service.** Credit may be given only once for preparation or presentation of the same workshop and the board will determine the number of continuing education contact hours approved. Applicant must provide proof of preparation and presentation. Proof of preparation may be an outline, copy of handouts, presentation slides, and a copy of the agenda showing name of licensee as presenter. Contact hours for the presenter will be calculated at three times the number of hours of audience participation (e.g. a two hour workshop equals six hours for the presenter).

(3) **Completion of accredited university college or community courses.** Applicant must provide the name of the course; number of credit hours; inclusive dates of attendance; completed transcript or grade report with a passing grade of "C" or better, name of instructor and institution; and a brief summary indicating the course's relationship to the licensee's present or future position in the field of occupational therapy. Non-credit community college courses may be accepted at the board's discretion. A maximum of 20 contact hours is allowed for a three credit course; a maximum of 15 contact hours is allowed for a two credit course; and a maximum of 10 contact hours is allowed for a one credit course.

(4) **Attendance at workplace in-service programs.** The applicant must provide the name of the program; number of hours spent in the program; inclusive dates of attendance; name of the instructor or supervisor of the program; name of the institution; and a brief course summary indicating the course's relationship to the philosophical tenets of occupational therapy.

(5) **Reading a book.** The applicant must provide the name of the book; number of pages; name of the author; and a typewritten summary explaining how the information obtained from the book applies to occupational ~~physical~~ therapy philosophical tenets of occupational therapy. The board may approve, on an individual basis, up to two contact hours for each book read.

(6) **Writing a book.** The applicant must provide a copy of the book written. The book will be returned to the licensee upon request.

(a) The book must have been copyrighted in the year for which the continuing education contact hours are requested.

(b) Up to 40 contact hours may be awarded at the board's discretion.

(7) **Audio or Visual Media.** An applicant must provide the title of the audio and visual media; the length of presented material, time; name of the presenter; and a summary of the presentation and how it pertains to the philosophical tenets of occupational therapy.

(8) **Presentation of a paper.** The applicant must provide a copy of the paper along with the duration and location of the presentation. The presentation must have been made in the year for which the continuing education contact hours are requested. Credit may be given only once for any individual presentation and the board will determine the number of continuing education contact hours approved.

(9) **Publication of a paper or article.** The applicant must provide a copy of the published paper, which must have been published prior to license renewal. Publication must be in a recognized journal or publication. The board will determine the number of continuing education contact hours approved.

(10) **Conducting research.** The board will determine the number of continuing education contact hours approved. The applicant must provide the following:

- (a) title and description of research project, including brief timeline;
- (b) names of other persons involved in project (i.e., co-investigators or supervisors);
- (c) a brief statement indicating philosophical tenants of occupational therapy;
- (d) provide a copy of the completed annual research report.

(11) **Specialty/certification programs.** Applicants or licensees wishing to receive continuing education for certification programs must submit a certificate of completion signed by the program sponsor. The licensee or applicant must indicate how the specialty/certification maintains the philosophical tenants of occupational therapy. The board will determine the number of continuing education contact hours approved.

(12) **Supervising level II fieldwork.** Applicants should provide a copy of the student evaluation (cover and signature pages only). The student's name should be blacked out for confidentiality. A maximum of 12 contact hours will be approved for each OT fieldwork II rotation of 12 weeks. A maximum of eight contact hours will be approved for each OTA fieldwork II rotation of eight weeks.

(13) **Mentoring.** Applies to an OT or OTA who has been practicing at least one year prior to entering a new area of practice only. Mentoring shall occur for a minimum of six months and no longer than one year. The mentor shall have at least one year of experience in the specialty area of practice and not be the direct supervisor of the mentored therapist. The "mentoring log" should be used as proof of hours mentored.

(14) **Competency assessment or knowledge and skills assessment related to the practice of occupational therapy.** A licensee who completes an online or in person training on competency assessment or on knowledge and skills assessment activities related to occupational therapy that is offered by an employer or an approved provider may claim a maximum of two hours of continuing education during each renewal period. If audited, an applicant must provide the following documentation; a certificate of completion or similar document that includes the name of the course or training, the date and location where the training was offered, the sponsoring organization and the time attended.

~~D. Credit screening procedures are as follows:~~

- ~~(1) the board or its designee must approve each request for continuing education credit;~~
- ~~(2) the licensee will be informed of the board's action within 30 calendar days of receipt of the request; and~~
- ~~(3) the licensee whose request has been denied may appeal to the board within 30 calendar days of the notification of the board's decision.~~

~~E. Continuing education audit.~~

- ~~(1) The board shall audit a percentage of renewal applications each year to verify the continuing education requirement.~~
- ~~(2) If a notice of audit letter is received with the annual renewal form, evidence of continuing education hours earned during the renewal year must be submitted to the board as requested and as required in the Occupational Therapy Act and by this rule.~~
- ~~(3) If the licensee is not audited, all documentation of attendance and agendas should be retained by the licensee for a minimum of three years immediately preceding the current renewal.~~
- ~~(4) The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.~~
- ~~(5) Proof of attendance for all continuing education programs is required on all renewal applications submitted after the expiration date.~~

~~F. The board will allow a maximum of 15 continuing education contact hours to be carried over into the next licensing year. The 15 continuing education hours must be earned during the renewal period of October 1st through September 30th.~~

16.15.4.10 CONTINUING EDUCATION AUDIT:

- A.** (1) The board shall audit a percentage of renewal applications each year to verify the continuing education requirement.
- (2) If a notice of audit ~~letter~~ notification is received with the annual renewal form, evidence of continuing education hours earned during the renewal year must be submitted to the board as requested and as required in the Occupational Therapy Act and by this rule.
- (3) If the licensee is not audited, all documentation of attendance ~~and agendas~~ should be retained by the licensee for the previous cycle ~~a minimum of three years~~ immediately preceding the current renewal.
- (4) The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.
- (5) Proof of attendance for all continuing education programs is required on all renewal applications ~~submitted after the expiration date.~~
- B.** The board will allow a maximum of 15 continuing education contact hours to be carried over into the next licensing year. The 15 continuing education hours must be earned during the renewal period of October 1st through September 30th.
- C.** If all continuing education requirements are not met by the expiration date of the license or granted extensions date, the license shall be subject to disciplinary action.
- D.** Failure of a licensee to furnish the board within 10 business days of request, its investigators or representatives with information requested by the board:
- (1) Failure to appear before the board when requested by the board in any disciplinary proceeding;
- (2) Failure to be in compliance with the Parental Responsibility Act Section 40-5A-3 NMSA 1978 seq.;
- (3) Fraudulent record keeping;
- (4) Failure to comply with Continuing Education Audit as defined in 16.15.4.8.
- E.** The board will audit continuing education to verify compliance, pursuant to the board's rules or act.
- (1) renewing licensees will be randomly selected for audit; the board may audit continuing education records at any time before the next scheduled license renewal or when deemed appropriate by the board;
- (2) The licensee will be notified by email when selected for audit and will be given a deadline to submit the continuing education proof of completion;
- (3) Failure to respond to request by the Board may be subject to fines and other penalties determined appropriate by the board;
- (4) The board may, at its discretion, accept a sworn affidavit as evidence of certificate/license holder compliance with continuing education requirements in support of renewal applications in lieu of documented evidence of such. Reciprocity and reinstatement applications shall require documented evidence of compliance with continuing education provisions.
- (5) An individual who submits records or a sworn attestation on their renewal application to demonstrate compliance with continuing education requirements but is found to be in non-compliance during a random audit will be subject to fines and other penalties determined appropriate by the board.
- F.** Ineligible activities include, but are not limited to:
- (1) Orientation and in-service programs dealing with organizational structures, processes, or procedures.
- (2) Meeting for purposes of policy making.
- (3) Annual association or organization and non-educational meetings.
- (4) Entertainment or recreational activities or meetings.
- (5) Committee meetings, holding of offices or serving as an organizational delegate.
- (6) Visiting exhibitors and;
- (7) CPR education.

[16.15.4.9 NMAC - Rp, 16.15.4.9 NMAC, 1/30/2015; A, 2/24/2022]

HISTORY of 16.15.4 NMAC:

Pre-NMAC History:

Material in this Part was derived from that previously filed with State Records and Archives:

BOTP 84-3, Continuing Education Regulations, filed 12/10/1984.

BOTP 89-3, Continuing Education Regulations, filed 10/31/1989.

BOTP 90-3, Continuing Education Regulations, filed 4/27/1990.
Rule 92-3, Continuing Education Regulations, filed 4/15/1992.
[Rp, 16 NMAC 15.4.3A, 6/29/2000.]

History of the Repealed Material: 16.15.4 NMAC, Occupational Therapists - Continuing Education Requirements, filed 6/19/2000, repealed 1/30/2015.